IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.09.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM

C.M.A. No.2574 of 2006
and
M.P. No.1 of 2006

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Div.I. ...Appellant

-vs-

1.N.Ramajeyam
2.R.Poosandiram
3.Murugaiah (R-3 given up) .. Respondents

Civil Miscellaneous Appeal against the award and decreetal order made in MACTOP No.1044 of 2004 dated 13.04.2005 by the Motor Accidents Claims Tribunal, Additional District and Sessions Court cum Special Court for Essential Commodities Act, Coimbatore.

For Appellant : Mr.A.Babu
For Respondents : Mr.M.A.P.Thangavel

J U D G M E N T

Aggrieved by the award of the Motor Accidents Claims Tribunal, Coimbatore dated 13.04.2005 in MACTOP No.1044 of 2004, the Managing Director, Tamil Nadu Transport Corporation, Coimbatore Division, has filed this appeal.

2. In respect of death of one Karthik in a motor vehicle accident that took place on 08.01.2004, respondents 1 and 2 herein parents-claimants, prayed for a compensation of Rs.5,00,000/-. The Tribunal, on appreciation of oral and documentary evidence, after finding that the accident was caused due to the negligence of the driver of the vehicle concerned, passed an award for Rs.2,91,000/- with interest at the rate of 9% per annum from the date of petition till the date of deposit. Questioning the same, the Transport Corporation has filed the present appeal.

3. The contesting respondents 1 and 2 are represented by the counsel.

4. At the outset, learned counsel for the appellant fairly states that they are mainly aggrieved only with regard to the quantum determined by the Tribunal. In such circumstances, it is unnecessary for this Court to go into the finding relating to negligence.

5. The claimants are the parents. The deceased was aged about 14 years at the time of accident and he was studying in eighth standard. It is not in dispute that he died due to the accident. The

Tribunal, after finding that the deceased was not an earning member, however, taking note of the fact that the parents have lost their only son at the age of 14 and finding that it would be possible for the deceased to earn atleast Rs.1,500/- per month, considering the age of the mother - second claimant, namely 38, fixed Rs.2,70,000/- towards pecuniary loss and after adding Rs.5,000/- each towards loss of love and affection in favour of the claimants, Rs.10,000/- towards funeral expenses, Rs.1,000/- towards damage to the clothes, altogether passed an award for Rs.2,91,000/-. Considering the materials placed on record and in view of the fact that the first claimant father is aged about 41, second claimant mother is aged about 38 and have lost their son at the tender age, namely 14 , I am of the view that the amount awarded by the Tribunal is just and reasonable.

6. In view of the prevailing rate of interest that is being paid by our Nationalised Banks, I reduce the rate of interest from 9% to 7.5% for the said amount. Except the modification in the rate of interest, I confirm the award of the Tribunal. The appeal is dismissed accordingly.

7. In view of the dismissal of the appeal, the appellant Transport Corporation is directed to deposit the amount as ordered, within a period of eight weeks from today. On such deposit being made, the respondents 1 and 2 herein, viz., N.Ramajeyam and R.Poosandiram are permittedto withdraw the entire amount as apportioned by the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

gms

To

The Additional District and Sessions Judge
cum Special Judge for Essential Commodities ,
Coimbatore.

[VSANT 7962]